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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,338	10/28/2003	John R. Bucknell	706690US1	5599

24938 7590 06/13/2005

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EXAMINER
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TRIEU, THAI BA

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/695,338

Examiner

Thai-Ba Trieu

Applicant(s)

BUCKNELL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 04/14/2005.
2. ☒ The allowed claim(s) is/are 1,2 and 4-6.
3. ☒ The drawings filed on 14 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

This Office action is in response to the Amendment filed on April 14, 2005. Applicant's cooperation in correcting the informalities in the drawing and specification is appreciated. Claims 1 and 5 were amended, and claims 3 and 7 were cancelled

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew H. Szalach (Reg. No. 53,665) on Thursday June 09, 2005.

The application has been amended as follows:

1. Claim 1 has been replaced by the following:

-- 1. (Currently Amended) An exhaust gas turbocharger comprising:

a twin scroll turbine housing;

a turbine wheel positioned in said twin scroll housing;

**at least two** exhaust gas inlets **[,]** operatively connected to port exhaust gas through each side of said twin scroll turbine housing and onto said turbine wheel;

a bypass **[,]** operatively connected to port exhaust gas around said **at least two** exhaust gas inlets to bypass of said turbine wheel; and

a valve [[, ]] operatively positioned to control exhaust gas flow to said at least two exhaust gas inlets and said bypass;

wherein said valve selectively blocks said at least two exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter and said valve blocks one of said at least two exhaust gas inlets during non-start-up conditions. --

5. Claim 5 has been replaced by the following:

-- 5. (Currently Amended) An exhaust gas turbocharger mounted on a gasoline fueled engine, said exhaust gas turbocharger comprising:

a twin scroll turbine housing;

a turbine wheel positioned in said twin scroll housing;

at least two exhaust gas inlets [[, ]] operatively connected to port exhaust gas through each side of said twin scroll turbine housing and onto said turbine wheel;

a bypass [[,]] operatively connected to port exhaust gas around said at least two exhaust gas inlets to bypass of said turbine wheel; and

a valve [[,]] operatively positioned to control exhaust gas flow to said at least two exhaust gas inlets and said bypass;

a processor configured to position said valve;

wherein said valve selectively blocks said at least two exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter and

**said valve blocks one of said at least two exhaust gas inlets during non-start-up conditions. --**

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or render obvious the claimed combination of an exhaust gas turbocharger including:

**" Regarding claims 1 and 5:**

*a valve operatively positioned to control exhaust gas flow to said at least two exhaust gas inlets and said bypass; wherein said valve selectively blocks said at least two exhaust gas inlets on start-up to direct exhaust gas to heat a catalytic converter and said valve blocks one of said at least two exhaust gas inlets during non-start-up conditions.*

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tadokoro et al. (US Patent Number 4,612,770) discloses a turbocharged engine with exhaust purifier having a correcting unit for controlling a check valve 18 to increase the effective cross section during a particular engine condition associated with a cold start of the exhaust purifying device.

- Tadokoro et al. (US Patent Number 4,404,804) discloses an internal combustion engine with a turbo-supercharger and a catalytic exhaust gas purifying

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device having the engine exhaust gas being passed totally or partially to the catalytic exhaust gas purifying means without passing through the exhaust gas turbine means when the engine is in cold start.

- Lane et al. (US Patent 4,244,187) discloses a vehicle engine with turbine bypass for exhaust treatment-device warm-up.

- Kolmanovsky et al. (US Patent Number 6,314,735 B1) disclose control of exhaust temperature in lean burn engines.

- Santiago (Patent Number DE 31 25 305 A1) discloses a device for burning off filtered soot.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB  
June 09, 2005



Thai-Ba Trieu  
Primary Examiner  
Art Unit 3748